



February 15, 2001

HOUSE BILL No. 1639

DIGEST OF HB 1639 (Updated February 14, 2001 11:49 AM - DI 75)

Citations Affected: IC 3-5; IC 3-11.

Synopsis: Voter's bill of rights. Requires the election commission to prescribe a statement of the rights of a voter in Indiana. Specifies the kind of information that the statement must contain. Provides that the commission may require the voter's bill of rights to be distributed with registration and other election related materials. Requires the voter's bill of rights to be posted on the state's Internet elections website. Requires the secretary of state to request Indiana news media to include a copy of the voter's bill of rights as part of election coverage or in public service announcements before an election. Requires the voter's bill of rights to be posted in every precinct polling place on each election day.

Effective: July 1, 2001.

**Dickinson, Kromkowski, Behning,
Kruzan**

January 17, 2001, read first time and referred to Committee on Elections and Apportionment.
February 14, 2001, amended, reported — Do Pass.

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February 15, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1639

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-50.4 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2001]: **Sec. 50.4. "Voter's bill of rights" refers to the statement**
- 4 **prescribed by the commission under IC 3-5-8.**
- 5 SECTION 2. IC 3-5-8 IS ADDED TO THE INDIANA CODE AS
- 6 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2001]:
- 8 **Chapter 8. The Voter's Bill of Rights**
- 9 **Sec. 1. The commission shall prescribe a statement of the rights**
- 10 **of a voter in Indiana that shall be known as "the voter's bill of**
- 11 **rights".**
- 12 **Sec. 2. The statement required by section 1 of this chapter must**
- 13 **contain the following:**
- 14 **(1) A statement of the qualifications that an individual must**
- 15 **meet to vote in Indiana, including qualifications relating to**
- 16 **registration.**
- 17 **(2) A statement describing the circumstances that permit a**

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voter who has moved from the precinct where the voter is registered to return to that precinct to vote.

(3) A statement that an individual who meets the qualifications and circumstances listed in subdivisions (1) and (2) may vote in the election.

(4) A statement describing how a voter who is challenged at the polls may be permitted to vote.

(5) A statement informing the voter what assistance is available to assist the voter at the polls.

(6) A statement informing the voter what circumstances will spoil the voter's ballot and the procedures available for the voter to request a new ballot.

(7) A statement describing which voters will be permitted to vote at the closing of the polls.

(8) Other information that the commission considers important for a voter to know.

Sec. 3. The commission may require a copy of the voter's bill of rights to be distributed with voter registration materials or other materials that are given to voters.

Sec. 4. The secretary of state or other state agency posting election information on the state's Internet site shall include the voter's bill of rights on the site.

Sec. 5. Not later than thirty (30) days before a primary, general, or municipal election, the secretary of state shall request Indiana news media to include a copy of the voter's bill of rights as part of election coverage or in public service announcements.

SECTION 3. IC 3-11-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, braille, and any other language that the board considers necessary, the following:

(1) Instructions for the guidance of voters in preparing their ballots.

(2) Instructions explaining the procedure for write-in voting.

(3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting machine or ballot card voting system that does not permit write-in voting. The notice cards must direct voters who want to cast write-in votes to request a write-in ballot from an election official.

(b) Each county election board shall have printed in type large enough to be easily visible to voters entering the polling place a poster at least twenty-four (24) inches by thirty-six (36) inches

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1 containing the voter's bill of rights. The poster shall be printed in
 2 English, braille, Spanish, and any other language that the board
 3 considers necessary.

4 (c) The board shall furnish the number of cards **and voter's bill of**
 5 **rights posters** it determines to be adequate for each precinct to the
 6 inspector at the same time the board delivers the ballots for the precinct
 7 and shall furnish a magnifier upon request to a voter who requests a
 8 magnifier to read the cards.

9 SECTION 4. IC 3-11-11-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) On the morning
 11 of election day, the precinct election officers shall meet at the polls at
 12 least one (1) hour before the time for opening the polls. The inspector
 13 then shall have:

- 14 (1) the chute erected;
- 15 (2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of**
 16 **rights posters** posted; and
- 17 (3) everything put in readiness for the commencement of voting
 18 at the opening of the polls.

19 (b) At the opening of the polls, the inspector and judges shall see
 20 that there are no ballots in the ballot box before the voting begins. After
 21 the inspection of the box, the inspector shall:

- 22 (1) securely lock the box;
- 23 (2) give one (1) key to the judge of the opposite political party;
 24 and
- 25 (3) retain one (1) key.

26 (c) Once securely locked, the ballot box may not be opened again
 27 until after the polls have been closed and the precinct election board is
 28 ready to immediately proceed with the counting, except as otherwise
 29 provided for central counting.

30 (d) The voting booths or compartments must be of a size and design
 31 to permit a voter to mark ballots in secret.

32 SECTION 5. IC 3-11-12-24 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. On the morning of
 34 election day, each precinct election board, the poll clerks, and the
 35 election sheriffs shall meet at the polls at least one (1) hour before the
 36 time for opening the polls. The inspector then shall have:

- 37 (1) the chute erected;
- 38 (2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of**
 39 **rights posters** posted; and
- 40 (3) everything put in readiness for the commencement of voting
 41 at the opening of the polls.

42 SECTION 6. IC 3-11-13-27 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 27. (a) After the delivery of a ballot card voting system to a precinct, the precinct election board may meet at the polls on the same day and open the package containing the sample ballot cards, to determine whether the system is ready for use in accordance with section 16 of this chapter. If a ballot card voting system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or have it done.

(b) While acting under subsection (a), the precinct election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the chute erected;
- (2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of rights posters** posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.

(d) Before the opening of the polls, the precinct election officers shall compare the ballot cards used in the marking device with the sample ballots furnished and determine whether the names, numbers, and letters are in agreement. The officers then shall certify that the marking device and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

SECTION 7. IC 3-11-14-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the chute erected;
- (2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of rights posters** posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1639, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-50.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 50.4. "Voter's bill of rights" refers to the statement prescribed by the commission under IC 3-5-8.**

SECTION 2. IC 3-5-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 8. The Voter's Bill of Rights

Sec. 1. The commission shall prescribe a statement of the rights of a voter in Indiana that shall be known as "the voter's bill of rights".

Sec. 2. The statement required by section 1 of this chapter must contain the following:

- (1) A statement of the qualifications that an individual must meet to vote in Indiana, including qualifications relating to registration.**
- (2) A statement describing the circumstances that permit a voter who has moved from the precinct where the voter is registered to return to that precinct to vote.**
- (3) A statement that an individual who meets the qualifications and circumstances listed in subdivisions (1) and (2) may vote in the election.**
- (4) A statement describing how a voter who is challenged at the polls may be permitted to vote.**
- (5) A statement informing the voter what assistance is available to assist the voter at the polls.**
- (6) A statement informing the voter what circumstances will spoil the voter's ballot and the procedures available for the voter to request a new ballot.**
- (7) A statement describing which voters will be permitted to vote at the closing of the polls.**
- (8) Other information that the commission considers important for a voter to know.**

Sec. 3. The commission may require a copy of the voter's bill of rights to be distributed with voter registration materials or other

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materials that are given to voters.

Sec. 4. The secretary of state or other state agency posting election information on the state's Internet site shall include the voter's bill of rights on the site.

Sec. 5. Not later than thirty (30) days before a primary, general, or municipal election, the secretary of state shall request Indiana news media to include a copy of the voter's bill of rights as part of election coverage or in public service announcements."

Page 1, line 16, after "(36) inches" insert "**containing the voter's bill of rights.**".

Page 1, delete line 17.

Page 2, line 1, delete "summary" and insert "**poster**".

Page 2, delete lines 8 through 42.

Page 3, delete lines 1 through 16.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1639 as introduced.)

KROMKOWSKI, Chair

Committee Vote: yeas 10, nays 0.

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